

REMARKS

I. Status of the Claims

After entry of the foregoing amendment, claims 1-11, 13-29, 31-35, 50, 51, and 54-177 are pending in this application. Claims 1-35, 50, 51, and 54-159 stand rejected, of which claims 1, 13, 19, 20, 31, 35, 50, 51, 54, 64, 66, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133, and 147-159 are independent in form.

Claims 12 and 30 are canceled herein without prejudice or disclaimer. Claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 81, 82, 85, 86, 97, 98, 101, 102, 114, 117, 118, 128, 1129, 132, 133, 143, and 147-159 are amended herein. New claims 160-177 are added herein. Applicants believe that these changes introduce no new matter. Entry and consideration of this Amendment are respectfully requested.

II. Rejections under 35 U.S.C. §103

Claims 1-3, 15-22, 33-35, 50-51, 54-57, 62, 68-70, 72, 83-87, 89, 94, 100-102, 104, 115-120, 126, 131-133 and 145-159 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito, et al. (U.S. Patent No. 6,256,063, hereafter "Saito") in view of Kobayashi et al. (U.S. Patent No. 5,136,320, hereafter "Kobayashi"). Claims 4-6, 10, 11, 23-25, 27-29, 58-60, 63, 74-76, 78-80, 90-92, 95, 96, 106-108, 110-112, 121-123, 127, 136-138 and 140-142 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito, in view of Kobayashi and further in view of Takahashi (U.S. Patent No. 5,210,567, hereafter "Takahashi"). Claims 7-8, 12-14, 26, 30-32, 56, 61, 65-67, 77, 81-83, 88, 93, 97-99, 109, 113-115, 125, 124, 128-130, 139 and 143-145 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito in view of Kobayashi and further in view of Hashimoto, et al.

(U.S. Patent No. 6,344,875, hereafter “Hashimoto”). Claim 9 is rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Saito in view of Kobayashi and further in view of Prentice (U.S. Publication No. 2003/0030729, hereafter “Prentice”). Applicants respectfully disagree with the characterization of the claims and prior art in the stated rejections and respectfully traverse these rejections.

The presently claimed apparatus and method have the unique features of, *inter alia*, judging not only an external state, in which the apparatus is controlled by an external controller unit, and an image sensing state, in which the apparatus is not controlled by the external controller unit, but also a playback state, in which the apparatus is not controlled by the external controller unit; and determining a driving manner of an optical system based on each judgment result of these three states. In contrast, the cited references fail to teach or suggest such a technique of determining a driving manner of an optical system using judgment results regarding each of the three states. Additionally, the judgment of the playback state is unique in that the playback state not controlled by the external controller unit.

More particularly, the rejected claims include independent claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133, and 147-157, each of which recites features involving the judgment of a setting. For instance, the image sensing apparatus of claim 1 recites a determination device that judges at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in an image sensing state in which said apparatus is not controlled by the external controller unit, and whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit.

On the other hand, Saito involves a camera that can connect to a host computer through a card interface. At column 9, line 63 through column 10, line 10, Saito discloses various control operations performed by the host computer on the camera. However, Saito's camera does not include a playback state in which the camera is not controlled by the host computer.

Thus, Saito fails to disclose or suggest an image sensing apparatus comprising: a driving device that moves an image sensing optical system to image sensing and non image sensing regions; and a determination device that judges at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in an image sensing state in which said apparatus is not controlled by the external controller unit, and whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device, as required by independent claim 1. Similarly, Saito fails to disclose or suggest the subject matter recited by the other independent claims.

Applicants respectfully submit that the present invention as claimed is neither taught nor suggested by, and therefore is neither anticipated by nor rendered obvious in view of, Saito, Kobayashi, Takahashi, Hashimoto, or Prentice, alone or in combination. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-35, 50, 51, and 54-159 under 35 U.S.C. § 103(a).

Dependent Claims

Applicants have not independently addressed the rejections of the dependent claims, which include newly added claims 160-177. Applicants submit that, in view of the

amendments to the claims presented herein and, for at least similar reasons as to why the independent claims from which the dependent claims depend are believed allowable as discussed supra, the dependent claims are also allowable. Applicants however, reserve the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

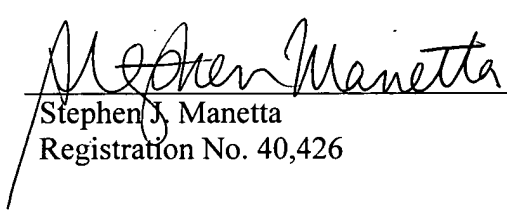
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1232-4522.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1232-4522.

Respectfully submitted,
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By: _____


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